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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/502,017	12/17/2004	Anders Jonsson	PAH-102	8955
7590 Mark P. Stone, Attorney at Law 50 Broadway Hawthorne, NY 10532			EXAMINER MYERS, GLENN F	
			ART UNIT 4134	PAPER NUMBER
			MAIL DATE 05/01/2009	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/502,017

**Applicant(s)**

JONSSON, ANDERS

**Examiner**

GLENN MYERS

**Art Unit**

4134

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 July 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/ICE)
- Paper No(s)/Mail Date 12/17/2004.
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_.

**DETAILED ACTION**

***Priority***

1. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. SE 0200168-3, filed on 01/21/2002.

***Information Disclosure Statement***

2. The information disclosure statement (IDS) submitted on 12/17/2004 is being considered by the examiner.

***Specification***

3. The disclosure is objected to because of the following informalities: Element 14 is an attachment lug in Line 20 and an Inner Surface in Line 27.

Appropriate correction is required.

***Drawings***

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "24" has been used to designate both an attachment lug in Figures 1 and 2 and an inner surface in Figure 3. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the

applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Objections***

5. Claim 1 is objected to because of the following informalities: The word determining is not spelled correctly in the claim. Appropriate correction is required.
6. Claim 1 is also objected to because of the following informalities: the word tool is plural in Line 2 and it is singular in Line 5. Appropriate correction is required.
7. Claims 5, 10, 11, and 12 are objected to because of the following informalities: There is no antecedent basis for "the supply of pressure medium to the rotator". Appropriate correction is required.
8. Claims 6, 7, 13, 14, 15, 16, 17, and 18 are objected to because of the following informalities: There is no antecedent basis for "the supply of pressure medium to the tool." Appropriate correction is required.
9. Claims 8, 19, and 20 are objected to because of the following informalities: There is no antecedent basis for "the supply of electric power and/or the supply of signals to the tool. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

10. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
11. Claims 2 and 9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

12. Regarding claim 2, "a rotator according to

Claim 1, characterised in that the means for determining the relative position of rotation include a pulse emitter (70) and a number of pulse generating elements (71), such as grooves or teeth for instance.", the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

13. Regarding claim 9, the phrase "or the like" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "or the like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

***Claim Rejections - 35 USC § 103***

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claims 1 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dessaux et al 5071184 and in view of Hansson et al 4989652.

16. In Re claim 1 and 9, Dessaux teaches:

- A rotator for jib-carried tools, for example tree working units, wherein the rotator (1) includes a stator (11) and a rotor (15), and wherein said rotator (1) is connected to a tip (7) of the jib or arm (3)

via a link arrangement and to said tool (9),  
characterized in that the rotator (1) or its  
surroundings includes means (40) for determining the  
relative position of rotation between rotor (15) and  
stator (11) Fig. 1 and 4 Below

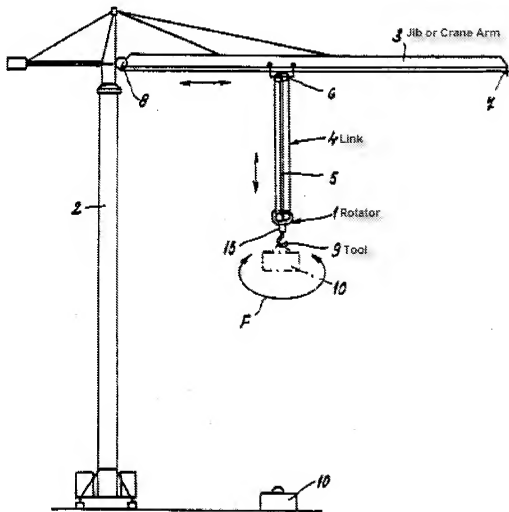


FIG.1

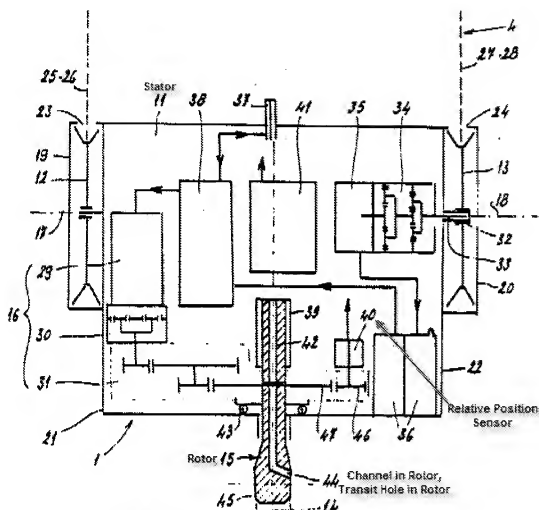
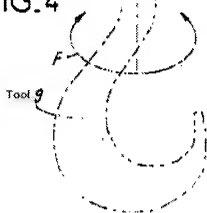


FIG. 4



17. With regards to "means for (70, 71) for determining the relative position of rotation between rotor (30) and stator (20)". This limitation meets the three-prong test per MPEP 2181 and thereby invokes 35 USC 112 6<sup>th</sup> paragraph. In the instant specification, page 3, lines 34 – 37 and page 4 lines 1 thru 6, the said means for determining the relative position of rotation between rotor (30) and stator (20) is shown as pulse emitter (70) and grooves (71) in Fig. #2. Dessaux '184 discloses a relative position sensor as a means for determining the relative position of rotation between rotor (15) and stator (11) (Column 4, Lines 50 thru 54). A relative position sensor as a means for determining relative position of rotation between a rotor and a stator is considered to be interchangeable with the applicants pulse emitter and grooves because it and produces substantially the same result as the corresponding element in applicant's specification. See MPEP 2183.

18. Dessaux '184 does not teach a hydraulically driven rotator.

19. However, Hansson '652 in Column 2, Lines 54 thru 56 teaches a hydraulically driven rotator.

20. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a hydraulically driven rotator as taught by Hansson '652 in order to drive the rotator without electricity.

21. In Re Claim 9, under the principles of obviousness, if a prior art device, in its normal and usual operation, would necessarily perform the method claimed, then the method claimed will be considered to be anticipated by the prior art device. When the prior art device is the same as a device described in the specification for carrying out



the claimed method, it can be assumed the device will obviously perform the claimed process. *In re King*, 801 F.2d 1324, 231 USPQ 136 (Fed. Cir. 1986). MPEP 2112.02

22. Claims 2 thru 8 and 10 thru 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dessaux '184/Hanson '652 as applied to claims 1 and 9 above, and further in view of Strauss et al 5988126.

23. In Re Claim 2, Dessaux '184/Hanson '652 has been discussed above, but does not teach using a pulse emitter and pulse generating elements as the means for determining the relative position of rotation.

24. However, Strauss '126 teaches a pulse emitter (19) with pulse generating elements for determining the relative position of rotation of a rotating element. (Column 5, Lines 38 thru 47).

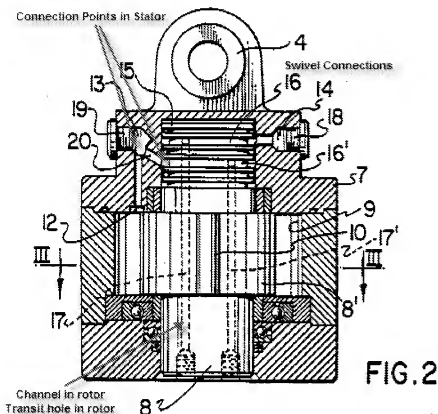
25. Because both Dessaux '184 and Strauss '126 teach methods for determining the relative position of a rotating object it would have been obvious to one skilled in the art at the time of the invention to substitute the rotary sensor of Dessaux '184/Hanson '652 with the pulse emitter and pulse generating elements of Strauss '126 to achieve the predictable result of determining the relative position of the rotor with respect to the stator. *KSR Int'l Co. V. Teleflex Inc.* 550 U.S.\_\_\_\_, 82 USPQ 2d 1385 (Supreme Court 2007) (KSR)

26. In Re Claim 4, Dessaux '184 teaches a means for determining the relative position of rotation of the rotor that is carried by the stator. Dessaux '184 does not teach using pulse generating elements carried by the rotor.

27. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the pulse generating elements carried by the stator, since it has been held that rearranging parts of an invention involves only routine skill in the art. *In Re Japikse*, 86 USPQ 70. Please note that in the instant application, page 4, lines 20 thru 24, applicant has not disclosed any criticality for the claimed limitation.

28. In Re Claim 3, Dessaux '184 as discussed above discloses the claimed invention except for the rotor carrying the pulse emitter and the stator carrying the pulse generating elements. It would have been obvious to one having ordinary skill in the art at the time the invention was made to reverse the location of the pulse emitter and pulse generating elements of claim 4 above, since it has been held that a mere reversal of the essential working parts of a device involves only routine skill in the art. *In re Einstein*, 8 USPQ 167. Please note that in the instant application, page 4, lines 20 thru 24, applicant has not disclosed any criticality for the claimed limitations.

29. In Re Claim 5, In Column 3 Lines 5 thru 15 Hansson teaches, a rotator according to Claim 1, characterized in that the supply (5) of pressure medium to the rotator is effected through the medium of connection points in the stator (7). FIG. 2



30. In Re Claim 6, Hansson '652 teaches, a rotator according to Claim 1, characterized in that the supply of pressure medium to the tool (1) is effected through the medium of a swivel coupling (16) and through the medium of channels (17) in the rotor (8). See Figure 2 above.

31. In Re Claims 7 and 8, Dessaux '184 teaches:

- A rotator according to Claim 1, characterized in that the supply of pressure medium to the tool (1) is effected through the medium of at least one transit hole (44) extending longitudinally through the rotor (15). Fig. 4 above.
- A rotator according to Claim 1, characterized in that the supply of electric power and/or the supply of signals to the tool is effected through the medium

of at least one transit hole (44) extending longitudinally through the rotor (15).

Fig. 4 above.

32. In Re Claim 10, Hansson '652 teaches a rotator according to Claim 2, characterized in that the supply (5) of pressure medium to the rotator is effected through the medium of connection points in the stator (7). Fig. 2 Above

33. In Re Claim 11, Hansson '652 teaches a rotator according to Claim 3, characterized in that the supply (5) of pressure medium to the rotator is effected through the medium of connection points in the stator (7). Fig. 2 Above.

34. In Re Claim 12, Hansson teaches a rotator according to Claim 4, characterized in that the supply (5) of pressure medium to the rotator is effected through the medium of connection points in the stator (7). Fig. 2 Above

35. In Re Claim 13, Hansson '652 teaches A rotator according to Claim 2, characterized in that the supply of pressure medium to the tool (1) is effected through the medium of a swivel coupling (16) (Swivel Connections) and through the medium of channels (17) in the rotor (8). Fig. 2 Above

36. In Re Claim 14, Hansson '652 teaches A rotator according to Claim 3, characterized in that the supply of pressure medium to the tool (1) is effected through the medium of a swivel coupling (16) (swivel Connection) and through the medium of channels (17) in the rotor (8).

37. In Re Claim 15, Hansson '652 teaches a rotator according to Claim 4, characterized in that the supply of pressure medium to the tool (1) is effected through the medium of a swivel coupling (16) and through the medium of channels (17) in the rotor (8). See Fig. 2

38. In Re Claim 16, in Dessaux '182 teaches an orifice 44 (transit hole) in the rotor. Fig. 4 above.

39. In Re Claim 17, Dessaux '182 teaches an orifice 44 (transit hole) in the rotor. Fig. 4 above

40. In Re Claim 18, Dessaux '182 teaches an orifice 44 (transit hole) in the rotor. Fig. 4 above.

41. In Re Claim 19, Dessaux '182 teaches an orifice 44 (transit hole) in the rotor. Fig. 4 Above

42. In Re Claim 20, Dessaux '182 teaches an orifice 44 (transit hole) in the rotor. Fig. 4 Above

### ***Conclusion***

43. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Erhard et al 5046468 discloses a method and system with Inductive rotary emitter for the control of ignition timing. Johansson et al 4290723 discloses a timber package arranger that uses a pulse emitter. Liljengren et al 5158423 discloses an arrangement for the transportation of objects with a pulse emitter. Hartig et al 585902 discloses a method and apparatus for producing interference-free pulses. Fargeot et al 5908060 discloses a Tree Processing machine using a rotator. Graham II

et al 4091978 discloses a sheet handling apparatus. Okumura et al 6474146 discloses a Rotary sensor capable of high precision detection of rotation angle. Tingskog et al 3726426 discloses a gripping means for cranes that utilizes a pulse emitter. Sorenson et al 5046916 discloses a handling apparatus utilizing a pulse emitter to control position. Welschof et al 4835829 discloses a Hub Assembly that utilizes a pulse emitter and teeth as pulse generating objects.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GLENN MYERS whose telephone number is (571)270-1160. The examiner can normally be reached on Monday - Friday/7:30AM-5:00PM - 1st Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Nguyen can be reached on 571-272-4491. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/George Nguyen/  
Supervisory Patent Examiner, Art Unit 4134